

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 28, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilman Palmer, Pearson, White, Mayor Miller

Absent: Councilman Long

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by BISHOP JOHN E. HINES, Episcopal Church, 2616 University Avenue.

Councilman White moved that the Minutes of July 21st be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The Council continued the appeal of MR. FLOYD W. DUNAWAY from the Plan Commission's approval of a special permit to the Episcopal Theological Seminary to build on the north side of Ratherview between Harris Park and Duval. MR. DUNAWAY spoke in his behalf. He believed this request should be treated as a request for a Club Building, with a greater set-back requirement. MR. GREENHILL, representing the Seminary, stated the plans for the development of the entire tract were before the Plan Commission, and this special permit was approved. He described the Building, and stated they had complied with all the regulations. The Mayor stated he had talked to all parties concerned, and although possibly the Council had no right to ask for additional set-back, he believed the Seminary would agree to set-back 15' instead of 10'. Bishop Hines stated that would be acceptable to him as Chairman of the Board. After more discussion, Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Episcopal Theological Seminary of the Southwest has filed

application for a special permit under the provisions of Section 10-B, paragraph 1, of the Zoning Ordinance of the City of Austin; and,

WHEREAS, the City Planning Commission has examined said application with its accompanying site plan, has found the same to conform to the requirements of the Zoning Ordinance and has granted a Special Permit for the extension of the existing seminary buildings subject to the following conditions, to wit:

- (1) Provision of an additional fifteen parking spaces so as to provide a total of fifty-two parking spaces;
- (2) That all exterior lighting be shielded for protection of immediate adjoining residences and be directed so as to face towards the interior of the site; and,

WHEREAS, Floyd W. Dunaway appealed to the City Council from the action of the Planning Commission, and after due notice to interested parties the City Council of the City of Austin held public hearings on the matter of granting said Special Permit and, upon reviewing said application together with an amended site plan showing the library building to be constructed fifteen feet (15') west of the east property line of the applicant in lieu of ten feet (10') east of said line, has found said application as amended to conform to the requirements of the Zoning Ordinance; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Special Permit heretofore granted by the Planning Commission of the City of Austin for the extension of existing seminary buildings in the 3100 block of Duval Street in accordance with the application and attached site plan as amended, be, and the same is, hereby affirmed and approved.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White*, Mayor Miller

Noes: None

Absent: Councilman Long

*Councilman White made the following statement regarding his vote:

"Since the Episcopal Theological Seminary had given an extra five feet under the ordinance, it looked like that was the only thing to do."

The Council heard an appeal from the Plan Commission's approval of a Special permit to establish a Veterinary Hospital at 2171 South Lamar Boulevard. MR. WHEELER, recent purchaser of the Modern Motel, did not know of such proposed development or he would not have purchased the property. MRS. EULA HOLCOMB'S daughter, (part owner of the Courts) expressed opposition for her mother. MR. DARTER described his building and operations, and stated there would be no boarding of animals--only sick animals would be housed there. At present he could accommodate only 16 animals. He was to set back 25' from the 80' road. The Mayor noted this building would be 130 feet from the Motel. The owner adjoining Mr. Darter, expressed opposition as it would ruin her property for the sale of a restaurant or tourist court. Mr. Darter had not purchased the property as yet, pending approval of this permit. No action was taken as the Council members wanted to make a personal inspection of the area. The matter was postponed until the following Thursday.

MR. ADDISON LEE appeared before the Council asking permission to wire a house at 4508 Balcones Drive, which he has under construction, and which he wants to do the actual electrical wiring, and which will be his homestead. At this time he now is living in his home which is declared his homestead. The City Manager explained the Electrical ordinance, which provided that only licensed electricians would be granted permits to do work in the city, with one exception and that is an owner may do his own electrical work in his home if it is shown on the tax roll to be a homestead. He explained the dangers otherwise. He stated he could take the test and get a license and he could wire this house and others. The Mayor asked him if he would be willing to take the examination, to which he replied there would be no reason, but he would take the examinations made by the inspections. Mr. Lee stated a bid from his contractor ran \$1200 for the wiring, whereas he had a bid for materials and supplies of \$231. The Council felt sympathetic with Mr. Lee's request; but due to the regulations necessary for protection of life, property, and protection from damages by fire; and due to breaking down the ordinance completely if concessions were made, it just could not instruct the City Manager to authorize the permit clerk to issue this permit.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON .45 OF ONE ACRE OF LAND, A PORTION OF OUTLOT 17, DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1001-1005 EAST 46TH STREET AND 4527-4537 AIRPORT BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON LOT NO. 32, OUTLOT 22, DIVISION A, PAUL SIMS SUBDIVISION LOCALLY KNOWN AS 2513 EAST 7TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A TRACT OF APPROXIMATELY 7.71 ACRES OF LAND LOCALLY KNOWN AS 801-915 ST. JOHNS AVENUE AND 7017-7123 INTERREGIONAL HIGHWAY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that

the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

MR. HERBERT SMARTT and MR. JOHN COFER were present regarding the RAYMOND BROWN zoning Ordinance. Mr. Smartt stated Mr. Cofer had given instruments that he was to have recorded, and they had asked that Mr. Cofer restrict the Residence area as such as a matter of record. Mr. Cofer felt that everyone in the area sometime in the future might want a change, and he did not want to put the restrictions on this particular property. MR. MUELLER was not quite satisfied. After more discussion and explanation of the Zoning by the Mayor, the Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND "D" INDUSTRIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A 22 ACRE TRACT OF LAND LOCATED ON BOTH SIDES OF THE WESTERLY EXTENSION OF OLTORF STREET AT ITS INTERSECTION WITH THE M.P. RAILROAD RIGHT OF WAY, LOCALLY KNOWN AS THE 1300 BLOCK OF THE WESTERLY EXTENSION OF OLTORF STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Councilman Palmer made the following statement regarding his vote:

"Knowing full well that this ordinance will pass, and in order to expedite the matter, I vote 'aye'."

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY ESTABLISHING THE BOUNDARIES FOR VARIOUS ORIGINAL USE DISTRICTS AND HEIGHT AND AREA DISTRICTS IN AREAS ANNEXED TO THE CITY OF AUSTIN ON OCTOBER 1, 1953, AND TIMES SUBSEQUENT THERETO; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICTS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY ESTABLISHING THE BOUNDARIES FOR VARIOUS ORIGINAL USE DISTRICTS AND HEIGHT AND AREA DISTRICTS, IN AN AREA ANNEXED TO THE CITY OF AUSTIN ON JANUARY 6, 1955; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICTS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

MR. AYRES K. ROSS, representing the Christian Army Mission, appeared before the Council asking the Council to settle the matter of taxing this property and exempt it from paying taxes, as it is used as a church organization and is the location of a church and its parsonage. The property is located in the 1800 block of Willow. The Mayor stated the Council would take this under advisement and see what the legal status of the Christian Army is and act on the request at a later date.

The Council received the following :

"Austin, Texas
July 28, 1955

"Members of City Council
Municipal Bldg.,
Austin, Texas.

"Gentlemen:

"I hereby give you formal notice that I resign from the position of Judge of Corporation Court, Austin, Texas, such resignation to become effective at the end of the business day on August 13, 1955.

"Yours truly,
(Sgd) Joe B. Roberts
Judge Corporation Court
Austin, Texas"

Councilman Pearson moved that the City Clerk write Judge Roberts accepting the resignation with regrets and thank him for his work in the past not only as Judge, but with the Legal Department; and to have an instrument drawn by the Legal Department of commendation and expressing thanks and best wishes. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT AND

AND SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON ONE AREA OF LAND BOUNDED GENERALLY BY WEST 11TH STREET, WEST 19TH STREET, GUADALUPE STREET AND WEST AVENUE, AND ANOTHER AREA OF LAND BOUNDED GENERALLY BY GUADALUPE STREET, SHOAL CREEK, ONE-HALF BLOCK NORTH OF WEST 6TH STREET AND ONE-HALF BLOCK SOUTH OF WEST 8TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles at the following locations is less than thirty miles per hour; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles is twenty-five (25) miles per hour at the following locations:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Corona Drive	Cameron Road	Berkman Road
Cloverleaf Drive	Cameron Road	Berkman Road
Ridgemont Street	Cameron Road	Berkman Road
Larkwood Drive	Cameron Road	Berkman Road
Nassau Drive	Corona Drive	Larkwood Drive
Belfast Drive	Corona Drive	Larkwood Drive

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF AUSTIN TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY OF AUSTIN AND THE STATE OF TEXAS FOR THE PURPOSE OF DETERMINING THE JOINT RESPONSIBILITIES OF THE CITY AND THE STATE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE STREET ILLUMINATION SYSTEM ON THE AUSTIN EXPRESSWAY, FROM 19TH STREET NORTH TO U.S. HIGHWAY 290, THE ROUTE OF HIGHWAY NO. U.S. 81; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the west side of Alice Avenue as a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, which property is leased by Capitol Floors, and is the north east part of Lot 6, Lewis Hancock's Subdivision, of the City of Austin, Travis County, Texas, and hereby authorizes the said Capitol Floors to operate a private gasoline plant consisting of a 1,000 gallon tank and one electric computing gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Capitol Floors has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
July 28, 1955

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Capitol Floors, through their agent F. M. Reed, for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and one electric computing pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Alice Avenue, which property is designated as the north east part of Lot 6, Lewis Hancock's Subdivision, in the City of Austin, Travis County, Texas, and locally known as 4204 Alice Avenue.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the north side of East 1st Street as a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is leased by Williford & Alexander, and is Lot 3, Outlot 25, Division O, of F. H. Jones Subdivision, of the City of Austin, Travis County, Texas, and hereby authorizes the said Williford & Alexander to operate a private gasoline plant consisting of a 550 gallon tank and one pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the

enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Williford & Alexander have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
July 28, 1955

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Williford & Alexander for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and one pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 1st Street, which property is designated as Lot 3, Outlot 25, Division O, F. H. Jones Subdivision, in the City of Austin, Texas, Travis County, Texas, and locally known as 2300 East 1st Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Quinton Franks is the Contractor for the demolition of a building located at 220 Congress Avenue and desires a portion of the sidewalk and street space abutting Lots 5 and 6, Block 19, of the Original City of Austin, Travis County, Texas, during the demolition of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Quinton Franks, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in an easterly direction and at right angles to the center line of Congress Avenue to a point 12 feet east of the west curb line; thence in a southerly direction and parallel to the center line of Congress Avenue approximately 50 feet to a point; thence in a westerly direction and at right angles to the center line of Congress Avenue to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Quinton Franks, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "NO PARKING" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstruction shall be removed not later than November 1, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 26, 1955, for the construction of a Junior Swimming Pool in Reed Park, north of Greenlee Drive at Pecos Street; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$14,732.55 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company in the sum of \$14,732.55 for the construction of such Junior Swimming Pool in Reed Park, north of Greenlee Drive at Pecos Street, be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Austin Engineering Company.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

Mayor Miller introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK. AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

The Mayor announced that the ordinance had been finally passed.

MRS. RIBAR appeared before the Council regarding the development of some property she owned adjoining some city property. The City Manager explained the problem involved. The property adjoins property that the City has which is a large tract, acquired for putting a turn-out into Airport Boulevard, and the tract is 89' at the widest point between the actual curb line and the private property line. The Ribars want to build a tourist court and the loan company was concerned about the distance between the curb line and the property line and are afraid some use will be made of this property that will destroy the property in the rear. The City acquired this for right-of-way and to provide the necessary sight clearance at the intersection. The Highway Department would not permit the sale of this as it is needed for sight clearance, and the loan company wants some kind of assurance that the City will not sell it and will not construct any improvements on it. He thought some sort of assurance could be given. The Mayor stated the Council would look into this and determine a policy. The Council was to go look at this particular property this afternoon.

The Mayor noted the following letter from the Austin League of Women Voters:

"July 27, 1955

"Mayor Tom Miller
Municipal Building
Austin, Texas

"Dear Mayor Miller:

"The Austin League of Women Voters has maintained an interest in city planning since 1946. The hiring of a planning consultant to draw up a master plan for Austin only served to heighten this interest and led to the adoption of our current local program - Study and Action Leading to the Adoption of Austin's Master Plan.

"The League believes that widespread citizen understanding, participation, and support are important factors in the realization of a master plan, for it must represent the needs and desires of Austin citizens to be accepted and effective.

"Public hearings such as the one the Council held last week are therefore essential to encourage participation in and understanding of the Master Plan as it develops. Such public discussions and aroused citizen interest should insure a Master Plan tailored to fit Austin.

"Sincerely,
(Sgd) Mrs. William H. Shutts
President"

The City Manager explained a proposed contract for a lease of concession rights for the operation of a pedal boat rental service in Barton Creek from the dam to the river. No action was taken at this time.

Councilman Pearson, in discussion of cleaning the river bed, stated MR. R. E. JAMES had abandoned his proposal to moving the sand from a certain point in the river, and he assumed the city would pursue the grading of the river banks. The City Attorney stated there was an unsettled condemnation suit depending on whether or not that river line is changed. The Council took no action.

The Mayor wanted pictures taken of the river from this side facing into the opening of Barton Creek. He stated there used to be a road running to Barton Creek, but it had been closed, and he hoped that someday it could be opened. He thought there should be a road paralleling Barton Creek.

No action was taken on appointing the Civil Defense Council.

The City Manager submitted a proposal in Gaston Park Subdivision, which affected a school. In the subdivision requirements the subdivider would be permitted to install a drainage structure of certain specification; however, in this area, it would still be subject to possible flooding. Where this situation is located, it is an approach to a school, and it was his recommendation to build a better structure than the subdivider would be required to build. The subdivider took bids on a bridge which would be adequate, and on what he was required to build. The bids were \$4950 for the bridge, and for the structure, \$2565, making a difference of \$2390. The subdivider will pay the \$2565 which is what he would have to pay, and he will pay the difference in the bridge, and the City would put that amount on a refund contract. The Mayor stated this could not be done generally; but since this was an access to a school, it would seem reasonable, but he stated the City must be very careful not to set any precedents. Councilman White moved that the recommendation of the City Manager be accepted. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Long

Councilman Pearson moved that the tax rate be tentatively set for the General Fund \$.62; and the Interest and Sinking Fund at \$.34, making a total of \$.96, for the year, October 1955 to October 1956. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Long

There being no further business the Council adjourned at 12:50 P.M. subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elmer Stosley
City Clerk